

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:05CR537
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	GOVERNMENT'S NOTICE
	)	OF RESPONSE TO DEFENDANT'S
NOLAN LOVETT,	)	<u>MOTION FOR DISCOVERY</u>
	)	
Defendant.	)	

Now comes the United States of America, by and through its counsel, Gregory A. White, United States Attorney, and Blas E. Serrano, Assistant United States Attorney, and avers that the government has provided defendant Lovett with discovery. On December 20, 2005, the government filed a response to the Defendant's request for Discovery, providing counsel with all the information that he is entitled under statutory authority, the Federal Rules of Criminal Procedure and Sixth Circuit precedents. The defendant is requesting additional information, including co-conspirators' statements which he is not entitled to receive, as noted in the government's response to defendant's Motion for a

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Hearing to Determine Admissibility of Co-Conspirator's Statements. The defendant is also requesting written summary of expert testimony. The defendant has been provided with a laboratory report of the controlled purchase involving defendant Lovett, which contains a summary of the findings and/or opinion of the forensic chemist. The government will provide counsel with a Curriculum Vitae of this expert witness upon receipt by counsel for the government. Defendant Lovett also requests "any other information to which the defendant is entitled," there is no such information known by the government.

I. DISCOVERABLE MATERIAL

(a) (1) (A) and (B) - Defendant did not make any statements to law enforcement agents at the time of his arrest.

(a) (1) (D) - A copy of the printout containing the defendant's criminal record is being mailed under separate cover.

(a) (1) (E) and (F) - The government will make available for inspection, copying, and photographing the items listed in Rule 16(a) (1) (E), documents and tangible objects.

(a) (1) (F) and (G) - Counsel for the government has not received the laboratory report relating to the controlled purchase made from the defendant. This report will be provided to defense counsel upon receipt by counsel for the government.

The government does not anticipate the use of evidence pursuant to Rule 404(b) of the Federal Rules of Criminal

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Procedure. In the event that any evidence of this nature is discovered during the pendency of this case, the government will notify defense counsel of the intended use under Rule 404(b) with sufficient time for the defense to prepare for trial.

The attorney for the government has no knowledge of exculpatory evidence material to guilt or innocence of the defendant. The government will notify defense counsel of any exculpatory material discovered, if any, immediately upon such discovery in compliance with Brady v. Maryland. Other requests made are outside the scope of discovery under Rule 16 of the Federal Rules of Criminal Procedure and legal precedents.

Respectfully submitted,  
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CERTIFICATE OF SERVICE

I hereby certify that on this 13<sup>th</sup> day of March 2006, a copy of the foregoing Government's Notice of Response to Defendant's Motion for Discovery was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

s/ Blas E. Serrano

Blas E. Serrano

Assistant U.S. Attorney